

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25220 of 2022**

Arising Out of PS. Case No.-53 Year-2022 Thana- NAUGACHIA District- Bhagalpur

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ANSARUL ANSARI Son of Kutubuddin Ansari Resident of village - Parasi,  
P.S.- Govindpur, District - Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      22-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
Naugachia P.S. Case No. 53 of 2022 registered for the offence  
under Section 30(a) and 32(ii) of the Bihar Prohibition and  
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 28.02.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of  
1790.78 litres of IMFL from the Haiwa Truck bearing



Registration No. WB-31-0547.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is alleged driver of the truck, which was jointly occupied by other co-accused persons and furthermore, nothing surfaced during course of investigation, which may connect petitioner or to suggest that petitioner was under knowledge to have consignment of alleged illicit liquor. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as the alleged recovery illicit liquor has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naugachia P.S. Case No. 53 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Special Judge Exclusive  
Excise Court No. 2, Bhagalpur/concerned court, subject to the  
following conditions:

*“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(ii) That one of the bailors shall be Sarfaraj Ansari, who is the brother of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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